HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.22018 OF 2004

Between:

Alla Sambaiah

… Petitioner

AND

The Secretary,
Ministry of Home Affairs/Gruh Mantralaya,
Freedom Fighters Division, Government of
India, Lok Nayak Bhavan, Khan Market,
New Delhi – 110 003 and another

… Respondents

:: O R D E R ::

Counsel for the petitioner : Shri P. Sridhar Rao

Counsel for the respondents : Shri A. Gopalakrishnamacharyulu

June 20, 2007

In this petition, the petitioner has prayed for quashing the decision of the Government of India not to entertain her claim for grant of pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short, 'the 1980 Scheme').

Ordinarily, I would have, after going through the pleadings of the parties and hearing the learned counsel, adjudicated on the legality of communication dated 9-6-2003 vide which the petitioner's claim was rejected, but keeping in view the fact that Collector, Warangal has, vide Rc.No.A3/3709/2006, recommended to the Secretary to

Government, Revenue (FF.III) Department for reconsideration of the petitioner's case in the light of the fact that Government of India has recognised 18 additional border camps, I feel that ends of justice will be met by directing the State Government and the Government of India to reconsider the petitioner's claim for grant of pension under the 1980 Scheme.

Hence, the writ petition is disposed of in the following terms:

1) Within two weeks from today, the petitioner shall submit additional representation to the Secretary to Government, Revenue (FF.III) Department, Andhra Pradesh along with xerox/typed copies of the documents in support of her claim for grant of pension under the 1980 Scheme.

2) Within next seven weeks, the competent authority of the Government of Andhra Pradesh shall make appropriate recommendation to Deputy Secretary to the Government of India, Ministry of Home Affairs (Freedom Fighters Division) for consideration of the petitioner's claim for grant of pension.

3) Within two months of the receipt of communication from the Government of Andhra Pradesh, the competent authority of the Government of India shall take a decision on the eligibility and entitlement of the petitioner to receive pension under the 1980 Scheme.

4) If it is found that the petitioner is eligible and entitled to receive pension under the 1980 Scheme, then direction be issued to the competent authority to release pension to her and also pay her arrears, if any.

5) If the State Government comes to the conclusion that the petitioner is not eligible to receive pension under the 1980 Scheme, then the decision taken in that regard shall be communicated to her by registered post at the end of seven weeks period mentioned in para 2 above. Likewise, if the Government of India comes to the conclusion that the petitioner is not entitled to receive pension under the 1980

Scheme, then a written communication be sent to her by registered post at the end of two months period specified in para 3 above.

As a sequel to disposal of the writ petition, WPMP Nos. 28868 of 2004 and 9818 of 2007 filed by the petitioner for interim relief are disposed of as infructuous.

G.S.SINGHVI, CJ

June 6, 2007

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Note: The Court Officer is directed to give attested copies of this order to the learned counsel for the parties so that consideration of the petitioner's case is not delayed on account of delay in supply of the certified copy.

B/O